

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT L. MURRAY,

Plaintiff,

v.

9:13-CV-1584
(GTS/TWD)

D. UHLER, D.S.S., Upstate Corr. Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

ROBERT L. MURRAY

Plaintiff, *Pro Se*
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Room 4
Bronx, New York 10457

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Counsel for Defendant
The Capitol
Albany, New York 12224

CATHY Y. SHEEHAN, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Robert L. Murray (“Plaintiff”) against the above-captioned New York State correctional employee (“Defendant”), are Defendant’s unopposed motion to dismiss Plaintiff’s Complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Defendant’s motion be granted. (Dkt. Nos. 18, 25.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

When, as here, *no* objection is made to a report-recommendation, the Court subjects that report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*: *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1. (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks and citations omitted).

Based upon a review of this matter, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 25.) Defendant’s motion is granted, and Plaintiff’s Complaint is dismissed.

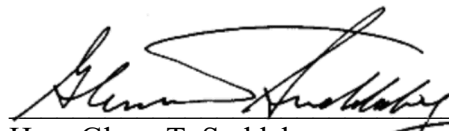
ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks’ Report-Recommendation (Dkt. No. 25) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants’ motion to dismiss (Dkt. No. 18) is **GRANTED**; and it is further

ORDERED that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED** in its entirety.

Dated: October 21, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
Chief, United States District Judge